

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 33881 of 2011 (I)

PETITIONER(S):

**LILLY VARGHESE, MANAGING PARTNER ,
T.V. SONS & COMPANY, V/69,
THELAPPILLY, P.O. MADAIKONAM.**

BY ADV. SRI.FRANCO T.J.

RESPONDENT(S):

- 1. THE CIRCLE INSPECTOR OF POLICE,
IRINJALAKUDA CIRCLE, P.O. IRINJALAKUDA, PIN- 680 122.**
- 2. THE REVENUE DIVISIONAL OFFICER,
THRISSUR- 680 010.**
- 3. THE SENIOR GEOLOGIST,
DEPARTMENT OF MINING AND GEOLOGY,
THRISSUR DISTRICT, OFFICE AT MINI CIVIL STATION,
1ST FLOOR, CHEMBUKAVU, THRISSUR- 680 020.**
- 4. THE STATE OF KERALA,
REPRESENTED BY SECRETARY,
DEPARTMENT OF MINING AND GEOLOGY,
THIRUVANANTHAPURAM- 695 001.**
- 5. UNION OF INDIA, REPRESENTED BY
SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF MINING, CENTRAL SECRETARIAT,
NEW DELHI -110 020.**

**R1 TO R4 BY SR. GOVT. PLEADER SMT.ANITHA RAVINDRAN.
R5 BY SRI.N. NAGARESH, ASST. S.G. OF INDIA.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE LICENCE ISSUED BY THE IRINJALAKUDA MUNICIPALITY IN FAVOUR OF THE PETITIONER.
- EXT.P2 COPY OF THE VAT REGISTRATION ISSUED BY KERALA COMMERCIAL TAX DEPARTMENT DATED 18/03/2010.
- EXT.P3 COPY OF THE COMMUNICATION GIVEN BY SRC PROJECTS PRIVATE LIMITED DATED NIL.
- EXT.P4 COPY OF THE AUTHORISATION CERTIFICATE OF N.P. (GOODS) ISSUED BY R.T.O., TIRAPPUR SOUTH, TAMIL NADU DATED 14/09/2011.
- EXT.P5 COPY OF THE INSURANCE/MOTOR VEHICLE COVER NOTE DATED 25/06/2011.
- EXT.P6 COPY OF THE FORM OF CERTIFICATE OF REGISTRATION IN FORM-23 DATED 25/08/2011.
- EXT.P7 COPY OF THE NATIONAL PERMIT FOR GOODS CARRIER DATED 01/07/2011.
- EXT.P8 COPY OF THE PASS/TRIP SHEET DATED 03/11/2011 ISSUED BY GEOLOGIST OF TAMIL NADU.
- EXT.P8A TRUE ENGLISH TRANSLATION OF EXT.P8.
- EXT.P9 COPY OF THE SALE BILL DATED 20/10/2011.
- EXT.P10 COPY OF THE SEIZURE MAHAZAR DATED 21/10/2011.
- EXT.P11 COPY OF THE LETTER DATED 22/10/2011 SENT BY 2ND RESPONDENT R.D.O. TO THE 3RD RESPONDENT GEOLOGIST.
- EXT.P12 COPY OF THE ORDER NO.2417/C2/TDO/2011 ON 24/10/2011 PASSED BY THE GEOLOGIST.
- EXT.P13 COPY OF THE ACKNOWLEDGMENT DATED 20/10/2011.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

=====

W.P.(C). No. 33881 of 2011

Dated this the 24th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

i. Issue a writ of certiorari quashing Ext.P10 seizure mahazar Exhibit P12 order by the 3rd respondent.

ii. Issue a writ of mandamus or any other appropriate writ order or direction commanding the 3rd respondent to return the amount of ₹25,000/- which was remitted by Ext.P13 on the strength of Exhibit P12 order.

iii. Declare that washed crusher dust/rock power is not a minor mineral as per Acts and Rules.

iv. Declare that there is no minor mineral by name M Sand as per Acts and Rules.

v. Declare that no licence under Rule 48-A is required for transporting or storing washed crusher dust/rock power."

2. A detailed counter affidavit has been filed by the 3rd respondent seeking to sustain the course and proceedings. It is seen that the petitioner was transporting M Sand without any valid supporting documents and as borne by Ext.P12, the offence was sought to be compounded and such a course was pursued remitting a sum of ₹25,000/-, the receipt of which is produced as

Ext.P13. It was thereafter that the petitioner has approached this Court with the above prayers.

3. After considering the materials on record, this Court finds that the course pursued by the concerned respondent is not liable to be deprecated in any manner. The writ petition is devoid of any merits. None of the grounds raised in support of the same could be held as tenable. Interference is declined and the writ petition is dismissed.

**P.R. RAMACHANDRA MENON,
JUDGE.**

kp/-